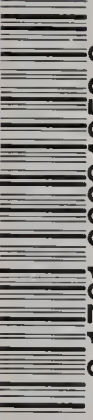


BORA LASKIN LAW LIBRARY



3 1761 06094952 6

# LEGAL HISTORY

## Volume II

Angela Fernandez  
Faculty of Law  
University of Toronto

2004 – 2005

*These materials are distributed solely for classroom use  
by students in the Faculty of Law, University of Toronto*

BORJA LASKIN LAW LIBRARY

JAN 20 2005

FACULTY OF LAW

UNIVERSITY OF TORONTO

# LEGAL HISTORY

## Volume II

Angela Fernandez  
Faculty of Law  
University of Toronto

2004 – 2005

*These materials are distributed solely for classroom use  
by students in the Faculty of Law, University of Toronto*



Digitized by the Internet Archive  
in 2018 with funding from  
University of Toronto

<https://archive.org/details/legalhistory02fern>

## Table of Contents

### V. Law & Order

Jim Phillips, "Recent Publications in Canadian Legal History," <i>Canadian Historical Review</i> 78:2 (1997): 236-57 .....	1
Tina Loo, <i>Making Law, Order, and Authority in British Columbia, 1821-1871</i> (Toronto: University of Toronto Press, 1994), 93-112, 193-99 .....	13
Jonathan Swainger, "Police Culture in British Columbia and 'Ordinary Duty' in the Peace River Country, 1910-39," in <i>People and Place: Historical Influences on Legal Culture</i> , ed. Jonathan Swainger & Constance Backhouse (Vancouver & Toronto: University of British Columbia Press, 2003), 198-223 .....	28
Bryan D. Palmer, "Discordant Music: Charivaris and Whitecapping in Nineteenth-Century North America," <i>Labour/Le Travail</i> 3 (1978): 5-62 .....	41
Susan Lewthwaite, "Violence, Law, and Community in Rural Upper Canada," in vol. 5 <i>Essays in the History of Canadian Law: Crime and Criminal Justice</i> , ed. Jim Phillips, Tina Loo & Susan Lewthwaite (Toronto: The Osgoode Society for Canadian Legal History, 1994), 353-386 .....	71
Greg Marquis, "Doing Justice to 'British Justice': Law, Ideology and Canadian Historiography," in <i>Canadian Perspectives on Law and Society: Issues in Legal History</i> , ed. W. Wesley Pue & Barry Wright (Ottawa: Carleton UP, 1988), 43-69 .....	89
David Sugarman, [Book Review of <i>The Rule of Law: Albert Venn Dicey, Victorian Jurist</i> by Richard A. Cosgrove] <i>Modern Law Review</i> 46 (1983): 102-11 .....	103
Robert F.V. Heuston, "Dicey, Albert Venn," in <i>Biographical Dictionary of the Common Law</i> , ed. A.W.B. Simpson (London: Butterworths, 1984), 148-49 .....	108

### VI. Constitutional Order

Peter H. Russell, "Overcoming Legal Formalism: The Treatment of the Constitution, the Courts and Judicial Behavior in Canadian Political Science" <i>Canadian Journal of Law and Society</i> 1 (1986): 5-33 .....	109
Robert C. Vipond, <i>Liberty &amp; Community: Canadian Federalism and the Failure of the Constitution</i> (Albany: State University of New York Press, 1991), 113-49, 227-35 .....	124
F. Murray Greenwood, "Lord Watson, Institutional Self-Interest, and the Decentralization of Canadian Federalism in the 1890's," <i>University of British Columbia Law Review</i> 9 (1974): 244-79 .....	148



Christopher Armstrong and H.V. Nelles, "Private Property in Peril: Ontario Businessmen and the Federal System, 1898-1911," in <i>Enterprise and National Development: Essays in Canadian Business and Economic History</i> , ed. Glen Porter & Robert D. Cuff (Toronto: Hakkert, 1973), 20-38 .....	166
G. Blaine Baker, "The Province of Post-Confederation Rights," <i>University of Toronto Law Journal</i> 45 (1995): 77-100 .....	176
Richard Risk & Robert C. Vipond, "Rights Talk in Canada in the Late Nineteenth Century: 'The Good Sense and Right Feeling of the People,'" <i>Law and History Review</i> 14 (1996): 1-32.....	189
David Schneiderman, "A.V. Dicey, Lord Watson, and the Law of the Canadian Constitution in the Late Nineteenth Century," <i>Law and History Review</i> 16 (1998): 495-526 .....	206

## VII. Codification as Statecraft

### A. Quebec

F. Murray Greenwood, "Lower Canada (Quebec): Transformation of Civil Law, from Higher Morality to Autonomous Will, 1774-1866," in <i>Canada's Legal Inheritances</i> , ed. DeLloyd J. Guth & W. Wesley Pue (Winnipeg: Canadian Legal History Project, 2001), 132-82 .....	223
Brian Young, <i>The Politics of Codification: The Lower Canadian Civil Code of 1866</i> (Montreal & Kingston: Osgoode Society for Canadian Legal History & McGill-Queen's UP, 1994), 43-65, 201-5 .....	249
John E.C. Brierley, "Quebec's Civil Law Codification Viewed and Reviewed," <i>McGill Law Journal</i> 14 (1968): 521-89 .....	264
<i>Private Law Dictionary and Bilingual Lexicons: Obligations</i> , ed. France Allard (Cowansville, Qc.: Yvon Blais, 2003) s.v. "code," "civil code," "Civil Code of Québec," "Civil Code of Lower Canada" .....	299

### B. Common Law

Desmond H. Brown, <i>The Genesis of the Canadian Criminal Code of 1892</i> (Toronto: The Osgoode Society, 1989), 6-11, 182-85 .....	301
Robert W. Gordon, [Book Review of <i>The American Codification Movement, A Study of Antebellum Legal Reform</i> by C. M. Cook] <i>Vanderbilt Law Review</i> 36 (1983): 431-58 .....	306
Dennis J. Hutchinson, "Story, Joseph," in <i>Biographical Dictionary of the Common Law</i> , ed. A.W.B. Simpson (London: Butterworths, 1984), 491-92.....	321
R. Kent Newmyer, <i>Supreme Court Justice Joseph Story: Statesman of the Old Republic</i> (Chapel Hill, N.C.: University of North Carolina Press, 1985), 271-304, 433-37 .....	323

## VIII. Legal Education

- Robert Stevens, *Law School: Legal Education in America from the 1850s to the 1980s* (Chapel Hill, N.C.: University of North Carolina Press, 1983), 35-72 .....344
- Sylvia A. Law, "Langdell, Christopher Columbus," <http://www.anb.org/articles/11/11-00508.html>, *American National Biography Online* Feb. 2000.....364
- C. Ian Kyer & Jerome E. Bickenbach, *The Fiercest Debate: Cecil A. Wright, the Benchers, and Legal Education in Ontario, 1923-57* (The Osgoode Society, 1987), 3-36, 201-21, 264-78, 287-90, 318-22, 329-30.....366
- G. Blaine Baker, "Legal Education in Upper Canada, 1785-1889: The Law Society as Educator," in vol. 2 *Essays in the History of Canadian Law*, ed. David H. Flaherty (Toronto: The Osgoode Society, 1983), 49-142.....410
- G. Blaine Baker, "Reeve, William Albert," in vol. 12 *Dictionary of Canadian Biography*, ed. F.G. Halpenny & J. Hamelin (Toronto: University of Toronto Press, 1990), 887-88 .....458
- W. Wesley Pue, "Common Law Legal Education in Canada's Age of Light, Soap and Water," in *Canada's Legal Inheritances*, ed. DeLloyd J. Guth & W. Wesley Pue (Winnipeg: Canadian Legal History Project, 2001), 654-88.....460

